

REMARKS

Please enter this amendment to reduce the issues for appeal.

Claims 36-58 are pending.

On page 13, of the pending Office Action mailed 9 November 2011, the Examiner stated that the rejection of claim 48 under 35 U.S.C. 112, first paragraph, would be overcome if claim 48 was amended "to recite the absence of any excipient other than sugar." Claim 48 has been amended as suggested by the Examiner, as set forth above. No new matter has been added. Accordingly, withdrawal of the rejection of claim 48 is respectfully requested.

The rejection of claims 36-58 under nonstatutory obviousness-type double patenting over claims 1-5, 7-12, 17 and 18 of copending U.S. Patent Application No. 11/813,380 is obviated by the filed herewith Terminal Disclaimer. Entry of the Terminal Disclaimer and withdrawal of the double patenting rejection is respectfully requested.

Entry of this amendment and Terminal Disclaimer are respectfully requested in order to reduce the issues for appeal.

Respectfully submitted,

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